

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 680 of 1983

Date of decision: 11-09-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHAVANBHAI BHARABHAI

Versus

AHMEDABAD MUNICIPAL CORPORATION

Appearance:

MR HL PATEL for Petitioners

MR GN DESAI for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/09/96

ORAL JUDGEMENT

Heard the learned counsel for the parties.

The petitioners prayed for issuance of a writ of mandamus restraining the Ahmedabad Municipal Corporation from removing the petitioners or interfering with the peaceful possession and enjoyment of their wada lands of Survey Nos.. 139, 141, 142A and 142B and the land to the east of survey number opposite Hanumanji temple in

village Piplej, Taluka City, District Ahmedabad. The respondent Corporation has come up with the case in the reply that the petitioner have made encroachment upon its land kept for experimental farm, and as such they have no legal right whatsoever to continue in possession. The petitioners have failed to produce any evidence on record of this case to show that they are in possession of the land legally. They have not given out how they entered in possession of the land, and what right, title and interest they have in the land has not been established. In absence of these material evidence no interference of this court is called for, when the petitioners have made encroachment upon the land of the Corporation. None of the legal or fundamental right of the petitioners have been infringed in the present case. No protection of the nature as prayed for by the petitioners can be given by this court.

2. In the result the petition fails and the same is dismissed. Rule discharged. Ad interim relief granted earlier stands vacated. No order as to costs.

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